

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**JAMES DUDLEY JUDD, JR., and
JAMES W. MORRIS**

Plaintiffs

vs.

**BBVA COMPASS BANK f/k/a
COMPASS BANK**

Defendant

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CIVIL ACTION NO. 3:12-CV- 00407

**PLAINTIFFS' UNOPPOSED MOTION FOR MODIFICATION OF SCHEDULING
ORDER TO EXTEND TIME FOR MOTIONS FOR LEAVE TO JOIN
ADDITIONAL PARTIES OR TO FILE AMENDING PLEADINGS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Plaintiffs James Dudley Judd, Jr. and James W. Morris hereinafter "**Movant**" and moves the court for an order for modification of the court's Scheduling Order so as to extend the time for filing motions for leave to join additional parties or amend pleadings from the current deadline of May 4, 2012, to June 4, 2012, and in support would show the Court as follows:

I.
Procedural History

1. On January 12, 2012 Plaintiffs James Dudley Judd, Jr., and James W. Morris, filed their Original Verified Emergency Application for TRO and Injunction and Petition for Declaratory Judgment and Other Relief in the 134th District Court of Dallas County, Texas.
2. On February 8, 2012, Defendant Compass Bank ("Compass") filed its Notice of Removal removing this case to federal district court.
3. On February 23, 2012, Compass filed its Motion to Dismiss Pursuant to FRCP 12(b)(1) and 12(b)(6).
4. On May 3, 2012, Plaintiffs' current counsel of record filed his Unopposed Motion for Withdraw of Counsel.

**II.
Current Trial Setting and Pretrial Deadlines**

5. Pursuant to the court's Scheduling Order filed March 26, 2012, this case is currently set for trial on January 28, 2013, which is the first trial setting. No prior modifications of the Scheduling Order have been granted.

6. Under the current Scheduling Order, the following deadlines are in effect:

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|--------------------|--------------------------------------------------------------------|-------------|
| Section II. Par. 2 | motions for leave to join additional parties or to amend pleadings | May 4, 2012 |
|--------------------|--------------------------------------------------------------------|-------------|

**III.
Proposed Modifications to Scheduling Order**

7. Due to circumstances related to the pending withdrawal of Plaintiffs' counsel, Plaintiffs have not yet determined whether it is appropriate to seek leave to file an amendment to their current pleadings, but Plaintiffs believe such a request may be necessary.

8. Plaintiffs will not be able to make a determination as whether to file a motion for leave prior to the current deadline of May 4, 2012 .

9. Plaintiffs therefore request a 30 day extension of time to file a motion for leave to amend their pleadings and if necessary to join additional parties.

10. Plaintiffs request that Section II paragraph 2 of the Court's Scheduling Order be modified to change the deadline for joining additional parties or filing amended pleadings from May 4, 2012, to June 4, 2012.

11. Plaintiffs submit that the above modifications can be granted without postponing the current trial setting of January 28, 2013, or changing other deadlines.

12. Counsel for Defendant has advised that he opposes / does not oppose this proposed modification of the Scheduling Order.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that the Court enter an order for modification of the current Scheduling Order to extend the deadline to join additional parties or to amend pleadings from May 4, 2012, to June 4, 2012 as set out above.

Respectfully submitted,

/s/ Robert D. Hemphill
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Robert D. Hemphill, PLLC
ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF CONFERENCE

I hereby certify that on May 3, 2011, I conferred with Brian Clark, Kane Russell Coleman & Logan, P.C., Counsel for Defendant, regarding the relief requested in the foregoing Motion, and was advised that Defendant did not oppose the Motion.

/s/ Robert D. Hemphill
Robert D. Hemphill

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion was served by ECF email to all counsel of record and by email and First Class Mail to James Dudley Judd, Jr. and James Morris as stated above.

/s/ Robert D. Hemphill
Robert D. Hemphill